

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JACK BIZELIA et al.,

Plaintiffs,

-v-

CLINTON TOWERS MANAGEMENT et al.,

Defendants.
-----X

20-CV-8065 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

Plaintiffs, proceeding *pro se* and *in forma pauperis*, filed their Complaint on September 29, 2020. (Dk. 2.) In that Complaint, Plaintiffs listed Clinton Towers Management as Defendant. (*Id.*) However, they listed Clinton Towers Housing Co., Inc. and P & L Management and Consulting, Inc. as Defendants in their application to proceed *in forma pauperis*. (Dkt. 1.) Because it appeared that Clinton Towers Housing Co., Inc. and P & L Management and Consulting, Inc. are the proper defendants in this action, the Court directed the Clerk of the Court to substitute those entities in place of Clinton Towers Management. (Dkt. 8.)

The docket reflects that Defendant Clinton Towers Housing Co. Inc. was served with the Complaint on January 7, 2021, making its answer due by January 28, 2021. (Dkt. 12.) The docket also reflects that Defendant P & L Management and Consulting, Inc. was served with the Complaint on January 6, 2021, making its answer due by January 27, 2021. (Dkt. 17.) To date, neither Defendant has appeared in this action nor answered the Complaint.

On February 10, 2021, the Court scheduled an Initial Pretrial Conference (“IPTC”) for March 11, 2021 at 2:00 p.m. (Dkt. 15.) On February 17, 2021, Plaintiffs filed a letter expressing that they would “like to proceed with a motion of default against Clinton Tower Management.”

(Dkt. 16.) The Court interprets this as a request to file a motion for default judgment against Defendant P & L Management and Consulting, Inc. and/or Defendant Clinton Towers Housing Co. Inc., as those are the two named Defendants in this case.

Prior to moving for a default judgment against either Defendant, Plaintiffs must request a certificate of default. It is hereby ORDERED that by March 31, 2021, Plaintiffs must complete the attached (1) Request for Clerk's Certificate of Default, (2) Affirmation in Support of Request for Certificate of Default, and (3) proposed Clerk's Certificate of Default. Following receipt of these forms, the Court will then set a briefing schedule for Plaintiffs' anticipated motion for default judgment. In light of this, it is further ORDERED that the IPTC scheduled for March 11, 2021 is ADJOURNED *sine die*.

The Clerk of the Court is respectfully directed to mail a copy of this Order to (1) Plaintiffs at the address listed on the docket, (2) Defendant Clinton Towers Housing Co., Inc. at 790 11th Ave., New York, NY 10019, and (3) Defendant P & L Management and Consulting Inc. at 301 Fields Lane, #201, Brewster, NY 10509. (*See* Dkt. 8 at 4.)

SO ORDERED.

Dated: March 3, 2021
New York, New York



JOHN P. CRONAN
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

**Request for Clerk's
Certificate of
Default**

Plaintiff(s)

vs.

Civil Case No. _____

Defendant(s)

Pursuant to Fed. R. Civ. P. 55(a) and L.R. 55.1, _____
requests a Clerk's certificate of entry of default. Within in an accompanying
affidavit, I affirm that the party against whom the judgment is sought:

- 1) is not an infant or incompetent person;
- 2) is not in the military service;
- 3) was properly served under Fed. R. C. P. 4 and proof of service having been
filed with the court;
- 4) has defaulted in appearance in the above captioned action.

Counsel for Plaintiff(s) / Plaintiff(s) Pro se

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

_____ ,

Plaintiff(s)

**AFFIRMATION IN SUPPORT
OF REQUEST FOR
CERTIFICATE OF DEFAULT**

-against-

CV

()

_____ ,

Defendant(s).

-----X

_____ hereby declares as follows:

1. I am the plaintiff in this action.
2. This action was commenced pursuant to _____.
3. The time for defendant(s), _____, to answer or otherwise move with respect to the complaint herein has expired.
4. Defendant(s), _____, has not answered or otherwise moved with respect to the complaint, and the time for defendant(s) _____ to answer or otherwise move has not been extended.
5. That defendant(s) _____ is not an infant or incompetent. Defendant(s) _____ is not presently in the military service of the United States as appears from facts in this litigation.

WHEREFORE, plaintiff _____ requests that the default of defendant(s) _____ be noted and a certificate of default issued.

I declare under penalty of perjury that the foregoing is true and accurate to the best of my knowledge, information and belief, that the amount claimed is justly due to plaintiff, and that no part thereof has been paid.

Dated:

By: _____
(Signature
(Print Name of Plaintiff Pro Se)
(Address)
(Telephone Number)
(E-mail address)

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

Plaintiff(s),

- against -

_____ Civ. _____ (____)

**CLERK'S CERTIFICATE
OF DEFAULT**

Defendant(s),

-----X

I, RUBY J. KRAJICK, Clerk of the United States District Court for
the Southern District of New York, do hereby certify that this action was commenced on
_____ with the filing of a summons and complaint, a copy of the summons and
complaint was served on defendant(s) _____
by personally serving _____,
and proof of service was therefore filed on _____, Doc. #(s) _____.

I further certify that the docket entries indicate that the defendant(s) has not filed an
answer or otherwise moved with respect to the complaint herein. The default of the
defendant(s) is/are hereby noted.

Dated: New York, New York

_____, 20____

RUBY J. KRAJICK
Clerk of Court

By: _____
Deputy Clerk